

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
Charleston Division**

DEREK CLEMENTS, <i>et al.</i> ,)	
)	
Plaintiffs)	
)	
v.)	Civil Action No. 2:22-cv-02069-RMG
)	
LLOYD J. AUSTIN, III, <i>et al.</i> ,)	
)	
Defendants.)	
<hr style="width: 40%; margin-left: 0;"/>)	

DECLARATION OF COLONEL JENNIFER HALL

I, Jennifer Hall, am a Colonel in the United States Air Force. I am currently stationed at Air University at Maxwell Air Force Base, Alabama.

I have not seen a vial of the proposed vaccine. The 42nd MDG immunizations clinic technician at Maxwell AFB told me they have the grey-gap “Comirnaty-labeled” vial. I have attached an email from one of the officers in charge (OIC) at the medical group, confirming they have possession of it. Another member in similar circumstances as myself at Maxwell also visually verified that the Maxwell clinic has the grey cap “Comirnaty-labeled” vial.

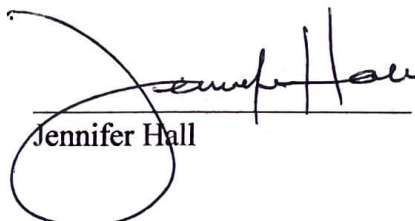
However, I believe there is good reason to doubt whether the vaccine is actually licensed Comirnaty. First, I have been unsuccessful in getting them to show me a vial. Clinic staff say it is in supply downstairs and they are unable to go get it. I have been to the clinic and asked twice (on 6 July and 12 July, respectively). I have also called twice (on 8 July and 13 July, respectively).

Second, the label of the vaccine at Maxwell is missing the red watermark. Other Maxwell Air Force Base personnel informed me that the vial has a grey cap, but that the label did not have a red watermark. This is the reason this individual was not required to get the shot that day.

Third, I also inquired specifically about the expiration date on the grey-cap “Comirnaty-labeled” vial. The technician was unable to confirm the expiration date for me in person and said they would call me with the information. I never received a call. In the attached email from the OIC directed at commanders, he stated the expiration date of the vials at Maxwell Air Force Base is September 2022. Based on the attached FDA letter, granting an extension (to 12 months) for the grey cap vials, the manufacturing date was October 2021 two months prior to the supplemental Biological License Application (BLA) approval of the grey cap vials.

Lastly, the immunization clinic technician was unable to explain why the grey cap vial did not have a Vaccine Information Statement, required by the Air Force Instruction for licensed vaccines. They could not explain why the Center of Disease Control website states, “There is not a COVID-19 Vaccine Information Statement. COVID-19 vaccine is currently available through Emergency Use Authorization (EUA) by the Food and Drug Administration (FDA). EUA Fact Sheets for Recipients should be provided to patients at the time of vaccination.”¹ I have attached a screenshot of that website.

I declare under penalty of perjury that the foregoing is true and correct. Executed on 26 July 2022.



Jennifer Hall

¹ <https://www.cdc.gov/vaccines/hcp/vis/current-vis.html> (last retrieved on 26 July 2022)

Enclosure 1

The screenshot shows the CDC Vaccines website at the URL <https://www.cdc.gov/vaccines/hcp/vis/current-vis.html>. The page is titled "Vaccine Information Statements (VISs)".

Left Sidebar:

- VIS Home
- Current VISs** (selected)
- What's New with VISs
- About VISs +
- Dates of Current and Past VISs
- VIS Barcodes
- Related Links
 - [Vaccines &](#)

Main Content Area:

Current VISs

[Download all VISs](#) [3 MB]

CDC maintains a current English language VIS for each vaccine. You and your patients can

- View and display the web page
- Download and print the PDF file
- Import the RTF (text) file into an electronic system
- View on a smartphone, tablet or other web-accessible mobile device

Right Sidebar:

COVID-19 Vaccine EUA Fact Sheets

There is not a COVID-19 Vaccine Information Statement. COVID-19 vaccine is currently available through Emergency Use Authorization (EUA) by the Food and Drug Administration (FDA). EUA Fact Sheets for Recipients should be provided to patients at the time of vaccination.

[Find more information](#)

Source: <https://www.cdc.gov/vaccines/hcp/vis/current-vis.html> (last retrieved 26 July 2022)